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NOTICE OF ALLOWANCE AND FEE(S) DUE

26021 7590 09/23/2008

HOGAN & HARTSON L.L.P.
1999 AVENUE OF THE STARS
SUITE 1400
LOS ANGELES, CA 90067

EXAMINER

VAN, LUAN V

ART UNIT

PAPER NUMBER

1795

DATE MAILED: 09/23/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,326	02/06/2004	Takuji Nomura	81846.0035	8530

TITLE OF INVENTION: SOLAR CELL MODULE, METHOD OF LAYING SOLAR CELL MODULES, AND APPARATUS FOR PREVENTING SOLAR CELL MODULES FROM BEING BLOWN OFF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/23/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issued on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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LOS ANGELES, CA 90067

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,326 02/06/2004 Takuji Nomura 81846.0035 8350

TITLE OF INVENTION: SOLAR CELL MODULE, METHOD OF LAYING SOLAR CELL MODULES, AND APPARATUS FOR PREVENTING SOLAR CELL MODULES FROM BEING BLOWN OFF

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/23/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
VAN, LUAN V	1795	I36-244000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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HOGAN & HARTSON L.L.P. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067			VAN, LUAN V	
			ART UNIT	PAPER NUMBER
			1795	
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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/774,326

Examiner

LUAN V. VAN

Applicant(s)

NOMURA ET AL.

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on August 1, 2008.
2. ☒ The allowed claim(s) is/are 7, 14-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 8/22/08
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: claim 7 is directed to a method of laying solar cell modules that includes placement of a specific separate waterproof member between the solar cell module and the roofing tiles. The closest prior art is JP 11-200561, herein referred to as JP '561.

JP '561 teaches the laying of solar cell modules together with tiles (B) on the roof of a building (see Figure 11). As seen in Figure 1,4, and 11, there is a separate waterproof member (7) placed between each solar cell module and one tile (B) which are laid adjacent in the direction of a gradient of the roof. As seen schematically in Figure 11, said waterproof member (7) has substantially the same height as the height of the tiles (B). As seen in JP '561's Figures 1,4, and 11, the waterproof member (7) has a width narrower the tiles (B). The waterproof member (7) is a "rectangular box that opens at a lower portion thereof" to the extent that (7b) is one wall, (7D) is another wall, and (7E) is another wall, and (C) is in the opening of the box. The word "lower" is relative, and thus, when JP '561's Figures 4 and 11 are viewed upside down, the opening of waterproof member (7) is at a lower portion thereof. As seen in Figure 11, the waterproof member (7) has a trough section. This trough section renders waterproof a junction between the tile (B) to the right of the trough section and the solar module (A) adjacent thereto because waterproof member (7) is waterproof. As seen in Figure 11, the waterproof member (7) overlaps one side of a solar cell module and tile. Claim 7 as amended now further requires the rectangular box opens at a lower portion with respect

to the roof. Thus the word lower is no longer relative and requires the box to open facing the roof. Figure 11 of JP '561 shows the waterproof member to be open toward the sky or away from the roof. This configuration is not a rectangular box that opens at a lower portion thereof with respect to the roof. Further, altering the method of JP '561 by turning the waterproof member over so that it would open to the roof would destroy the invention of JP '561 and also not allow the member to fulfill its purpose as a waterproof member. Therefore the claim is allowable over the prior art.

The following is a statement of reasons for the indication of allowable subject matter: claims 14 through 16 require a method of laying solar cell modules together with tiles on a roof panel incorporating the use of specific fastening strips that engage the solar cell module and roof tiles in a specific manner. The closest prior art is JP 2000-226908, herein referred to as JP '908.

JP '908 teaches solar cell module tiles (1) that have already been laid on a roof (see Figure 6). Then, additional solar cell module tiles (1) are laid on the roof such that the eaves side of a solar cell module tile (1) to be laid is fastened to an upper portion of the ridge side of solar cell module tiles (1) that have already been laid (see Figures 6 and 8). As seen in Figure 1, the solar cell module (4) of a given solar cell module tile (1) is fastened to the eaves side of the solar cell module tiles (1) with fastening strips (8) (see also Figures 4 and 8). Alternatively, fastening strip (38) can be used, as seen in Figures 12 and 13. As seen in Figure 12, fastening strips (38) comprise a rectangular main part and the instant at least two rising parts that extend from the main part. The fastening strips (8) can also have a rectangular part and multiple rising parts as seen in

the embodiment of Figure 17(a). Fastening strips (8, 38) prevent solar cell modules (4) from being blow off (see paragraph 0045).

However as figure 8 shows, the eaves-side of the modules simply rest on the ridge side of the adjacent tile. There is no engagement of the fastening strips to the adjacent tile, and no engagement of the fastening strips to the roof and the upper portion of the ridge-side of the tiles. Last the figure shows the fastening strips are attached to an upper portion of the eaves-side of the module and not between a lower portion of the eaves-side and the upper portion of the ridge-side of the adjacent tile. Therefore the method of JP '908 does not meet all the requirements of the claims.

Claim 17 is directed to an apparatus to prevent a solar cell module from being blown off by use of specific fastening strips. The claim requires the fastening strips to have a securing part directly secured to the roof through the ridge side end of one tile, and an engaging part coupled to an eaves-side edge of the solar module. The closest prior art is JP 2000-226908, herein referred to as JP '908. JP '908 teaches solar cell module tiles (1) that have already been laid on a roof (see Figure 6). Then, additional solar cell module tiles (1) are laid on the roof such that the eaves side of a solar cell module tile (1) to be laid is fastened to an upper portion of the ridge side of solar cell module tiles (1) that have already been laid (see Figures 6 and 8). As seen in Figure 1, the solar cell module (4) of a given solar cell module tile (1) is fastened to the eaves side of the solar cell module tiles (1) with fastening strips (8) (see also Figures 4 and 8). Alternatively, fastening strip (38) can be used, as seen in Figures 12 and 13. As seen in Figure 12, fastening strips (38) comprise a rectangular main part and the instant at least

two rising parts that extend from the main part. The fastening strips (8) can also have a rectangular part and multiple rising parts as seen in the embodiment of Figure 17(a). Fastening strips (8, 38) prevent solar cell modules (4) from being blow off (see paragraph 0045).

However as figure 8 shows, the eaves-side of the modules simply rest on the ridge side of the adjacent tile. There is no engagement of the fastening strips to the adjacent tile, and no engagement of the fastening strips to the roof and the upper portion of the ridge-side of the tiles. The fastening strips do not have a securing part directly secured to the roof through a ridge side end of one tile. Instead the strips are secured to the base, 5, which are secured to the roof via nails, 12b, at the ridge side of the module. As there is no direct securing, the fastening strips of JP '908 do not meet all the requirements of the claim. Therefore the claim is allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan V. Van whose telephone number is 571-272-8521. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Nam X Nguyen/
Supervisory Patent Examiner, Art Unit 1753

LVV
September 16, 2008